

# GAY NEWS

1972-1984



A Gay & Lesbian Humanist Summer Special

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## Gay News on trial!

**LONDON:** Ms Mary Whitehouse has won her battle to take Gay News to court on the extremely rare charge of 'blasphemous libel.' It is over 50 years since the courts last heard such a charge.

Permission to prosecute was granted by Mr Justice Bristow after a private hearing in chambers lasting 4 hours. There is no appeal against his decision.

Mary Whitehouse, who was out of the country for the hearing, can now proceed with her private prosecution before a judge and jury.

You've probably realised that the words of the last three paragraphs are not ours. They are, in fact, those of *Gay News*, printed on the front page of its issue of 16 December 1976. The headline: **WHITEHOUSE WINS LEAVE TO PROSECUTE.**

The battle lines were being drawn on what is for both humanists and many Christians one of the most significant trials of the twentieth century. Blasphemy was soon to be put on trial.

The prosecution went on to become the catalyst for what would later become the only group of its kind, GALHA, which represents atheist and agnostic queers in the UK, and is increasingly being respected abroad, notably in continental Europe and the USA. That's why we're making a fuss of that event 25 years ago, when Gay News Ltd and Denis Lemon were found guilty of blasphemous libel.

In this special issue of *G&LH*, we have brought together the views and recollections of various people who remember the trial personally or have cause to look back on it.

**Brett Humphreys** (p. 2) is a longstanding GALHA member and a trustee of the Pink Triangle Trust, our publishers. We open our special *Gay News* section with his

comprehensive account of the trial and the events surrounding it. I recommend you read his article first.

**Rictor Norton** (see p. 5) was the person who suggested that *Lemon* publish that poem. He thought the paper had perhaps stepped beyond the boundary of good taste. 'Had it ended there, within the gay community,' he writes, 'perhaps with an apology for insensitivity and a promise to act more responsibly, all would have been well.'

**John C Beyer** (p. 4) is the director of Mediawatch-UK, the organisation that, in its previous incarnation, the National Viewers' and Listeners' Association (NVALA), brought the prosecution. Recently, he tried to bring a prosecution against the broadcaster Joan Bakewell, who read the poem during the BBC's *Taboo* series last year. As you can read

elsewhere in *G&LH*, there is now to be no prosecution of Bakewell.

**Neil Richardson** (p. 8), a member of LGCM, sat through the trial, and brings us a Christian perspective. 'During the trial,' he writes, 'the defence team had considered putting me in the witness box. I am grateful to this day that they did not ask me.'

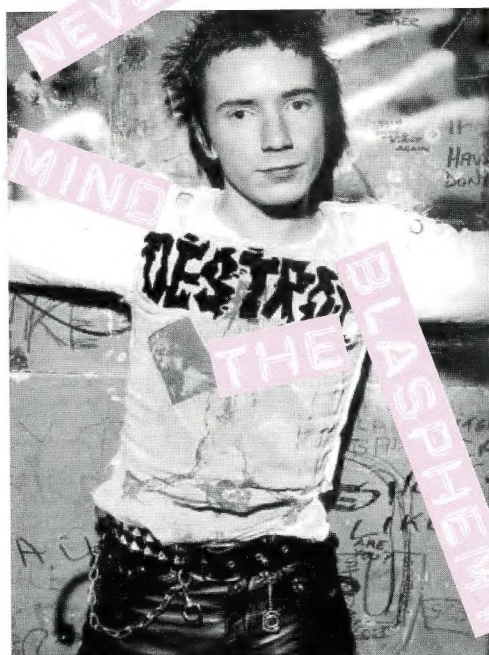
On Page 12, one of Britain's longest-standing queer-rights campaigners, **Griff Vaughan Williams**, looks at the trial through the eyes of the Campaign for Homosexual Equality.

**Francis Bannion** (p. 9) was a barrister, who prided himself on upholding the law, but 'decided to break it in this instance' and at a protest meeting in Brighton in 1977 he 'read out Kirkup's so-called blasphemous poem. This attracted widespread publicity, but the state took no steps against me.'

**Jim Herrick** (p. 7) is *G&LH*'s former music reviewer and was earlier this year awarded the International Rationalist Award 2002. He's also a founding member of GALHA (or the Gay Humanist Group, as it was then). He wondered



Perhaps you wore this badge with your flares at the CHE disco.



**Johnny Rotten of the Sex Pistols.** For 'blasphemy' read 'bollocks'. Solved the Dymo riddle yet? Find the answer in our look back at the seventies on p. 14.

then whether there was a need for such a group. 'But it has certainly shown its value,' he writes.

**George Broadhead** is a regular contributor to and former editor of *G&LH*, as well as being secretary of GALHA, and has been dusting off relevant literature. He looks at two books, *Blasphemy Ancient & Modern* by Nicolas Walter and *The Justice Game* by Geoffrey Robertson QC

On Page 11 **Andy Armitage** looks back to campaigning in the 1970s and asks, 'Were we really glad to be gay?'

On Page 14 we bring you, by special permission of the lesbian author **Maureen Duffy**, who is also GALHA's president, the poem she wrote way back then, 'The Ballad of the Blasphemism Trial'.

Finally, on Page 14, **Stephen Blake**, in a special 'Airings' column, tells us why we should love 1977. What were you doing in the seventies? Wearing flares to the CHE disco? Singing along to the Sex Pistols with their version of 'God Save the Queen'? Our Man in the Past tweaks a few memories.



**WHITEHOUSE WINS LEAVE TO PROSECUTE**

**Help!**

Green light for gay fun palace

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The drama begins. 'Help!' headlines the launch of the paper's fighting-fund appeal.



# The law that dared

**J**ULY 2002 sees the 25th anniversary of the extraordinary trial of the fortnightly newspaper *Gay News* and its editor, Denis Lemon, on a charge of blasphemous libel brought by Britain's best-known vigilantist of the day, Mary Whitehouse – co-founder and leading light of the National Viewers' and Listeners' Association (NVALA, now known as Mediawatch-UK), and once dubbed 'Director of Private Prosecutions' because of her propensity for such litigation.

The story begins in May 1976, when NVALA obtained legal advice on a plan to resurrect the common-law offence of blasphemy by prosecuting the BBC over an item in the television satire *Beneath the News* – so it was revealed three years later by Mike Tracey and David Morrison, who had access to Mary Whitehouse's private archive while conducting research for two planned books on her and her organisation. Robert Ward QC suggested that a private prosecution was preferable in order to retain control over such a case, but advised waiting for something more 'grossly offensive'. Mary Whitehouse followed his advice.

Meanwhile, at the west London offices of *Gay News*, Denis Lemon was preparing to publish the now famous poem 'The Love That Dares To Speak Its Name', written several years earlier by the well-established poet and academic James Kirkup. The poem duly appeared on page 26 of issue 96 dated 3 June 1976, accompanied by a drawing by the paper's regular freelance illustrator Tony Reeves. It wasn't the first of Professor Kirkup's poems to appear in *Gay News* – his 'Elegy for Pier Paolo Pasolini' had been printed just six weeks earlier – but as a necrophilic fantasy about the death of Jesus of Nazareth it proved to be the more controversial, provoking letters from gay Christians decrying it as 'blasphemous' in the next two issues, followed by some counter-reactions wondering what all the fuss was about.

On the surface the dust seemed to settle, although blasphemy remained a hot topic that long dry summer, peppered with vigilantist campaigns trying to prevent the Danish filmmaker Jens Jørgen Thorsen from coming to Britain to make a film about the sex life of Jesus. A *Gay News* editorial on the subject innocently proclaimed: 'In case *Gay News* readers are in any doubt, there is no such crime as "hurting people's feelings".'

It was indeed widely assumed that the law of blasphemy was a dead letter – after all, Lord Denning had said so in 1949. The law had not been successfully invoked since John W Gott satirised the biblical story of the entry of Jesus into Jerusalem (Matthew 21: 2–7), which is based on a literal interpretation of the prophecy that the King of Zion would come 'riding upon an ass, and upon a colt the foal of an ass' (Zechariah 9: 9). Gott received the draconian sentence of nine months' imprisonment with hard labour, which he served in 1922 after losing his appeal. But, in a letter to *The Times* (3 November 1976), Mary Whitehouse ominously wrote: 'Although broadcasting is exempt from the Obscene Publications Act, we are advised that broadcast blasphemy is a common law offence and that, though dormant, the relevant law is still operative.'

**A**ROUND the beginning of November 1976 Mary Whitehouse received a copy of James Kirkup's poem from a source she refused to identify. On 30 November, having failed to obtain the backing of church leaders, she announced her intention to launch a prosecution herself. Under Section 8 of the Law of Libel Amendment Act 1888, intended to protect newspapers from vexatious litigation, this required the leave of a judge in chambers. Leave was granted on 9 December to proceed against *Gay News* Ltd and Denis Lemon for publishing, and Moore Harness Ltd for distributing, 'a blasphemous libel concerning the Christian religion, namely an obscene poem and illustration vilifying Christ in his life and in his crucifixion'. The charge against the distributor was subsequently dropped.

New readers start here ... **BRETT HUMPHREYS** provides a comprehensive account of events before, during and after the *Gay News* trial

By a legal manoeuvre described by Francis Bennion in a letter to *The Times* (17 June 1977), the prosecution bypassed committal proceedings in a magistrates' court and the trial opened before Judge Alan King-Hamilton QC in the Central Criminal Court (Old Bailey) on Monday, 4 July 1977, with John Mortimer QC and Geoffrey Robertson as counsel for the defence and John Smyth representing Mary Whitehouse. Most of the week was taken up with legal argument as the judge systematically rejected each of the defence's submissions: he disallowed expert literary witnesses; he disallowed expert theological witnesses; he even refused to let Denis Lemon explain his intention in publishing the poem. In the end, the defence was left with only two witnesses – the novelist Margaret Drabble and the journalist Bernard Levin – who were allowed to testify to the good character of the paper.

The sole witness for the prosecution was Kenneth Kavanagh, a probation officer, active campaigner against gay rights and head of the Parents Advisory Group, a Bedford-based pressure group concerned with sex education. He said he had bought a copy of *Gay News* 96 at a St Pancras bookstall in order to read the front-page report headlined **PROBATION OFFICERS**

CAMPAIGN FOR GAYS. He subsequently gave it to Valerie Riches, secretary of the Responsible Society (later renamed Family and Youth Concern), another organisation specialising in sexual morality.

The judge – who later wrote in his autobiography *And Nothing But The Truth* (1983) that during the trial he felt 'half-conscious of being guided by some superhuman inspiration' – made his own views clear in his summing-up. The jury, however, were unable to come to a unanimous decision after five hours' deliberation, notwithstanding the attempts of Mary Whitehouse and her associates to influence the outcome by praying very publicly in the precincts of the courtroom for a verdict in their favour. In the end, by a majority of 10 to 2, on Monday, 11 July, the jury returned a verdict of guilty on both defendants. The following day the judge fined *Gay News* Ltd £1,000 and ordered it to pay four-fifths of Mary Whitehouse's costs. He fined Denis Lemon £500, sentenced him to nine months' imprisonment suspended for eighteen months, and ordered him to pay the remaining fifth of Mary Whitehouse's costs (which, when the bill



This was the headline that caught the eye of the only prosecution witness. This issue was withdrawn from the back catalogue as soon as news of the impending prosecution became known.



# to lay the blame . . .

eventually arrived, were found to total £7,763). It had been 'touch and go', said the judge, whether he would actually send Denis Lemon directly to jail.

**G**AY NEWS LTD and Denis Lemon soon began an appeal against both conviction and sentence, alleging a catalogue of misdirections and errors in law by the judge. The four-day appeal hearing at the Royal Courts of Justice was eventually scheduled to start on 13 February 1978. Despite reports that one of the three Appeal Court judges was to be the reactionary Mr Justice Melford Stevenson – famously reprimanded a few months later by Lord Chancellor Elwyn Jones for calling the Sexual Offences Act 1967 a 'Buggers' Charter' – in the event the appeal was heard by Lord Justice Roskill, Lord Justice Eveleigh and Mr Justice Stocker. On 17 March, in a one-and-a-quarter-hour judgment read by Lord Justice Roskill, they quashed Denis Lemon's suspended prison sentence but otherwise unanimously rejected all the grounds of appeal. They ordered Mary Whitehouse's appeal costs to be paid out of public funds.

In a straw poll, *Gay News* reported that readers had voted by a majority of over twenty to one in favour of carrying the appeal on to the House of Lords. *Gay News* Ltd and Denis Lemon accordingly lodged a petition for leave to appeal. In November 1978 five Law Lords spent a week considering the arguments and legal precedents, with Louis Blom-Cooper QC and Geoffrey Robertson representing the appellants and John Smyth again appearing for Mary Whitehouse. By this stage the issue had been narrowed down to the question of *mens rea* – the legal term for the mental element of a crime. The appellants contended that intention to do wrong was an essential ingredient of the crime of blasphemy, as of most other crimes; the respondent contended (and the trial judge and Appeal Court judges had agreed) that it was not.

In February 1979, at the Law Society, Alan King-Hamilton delivered the sixth Winston Churchill Memorial Lecture, which he gave the title of 'Blasphemy – the Twelfth Commandment'. He made it clear that he wanted to see the blasphemy law extended. Asked by Jim Herrick, general secretary of the National Secular Society, whether in view of his 'known prejudice against homosexuality' he was an appropriate person to have been an unbiased judge in the *Gay News* trial, the judge replied: 'What known prejudice?'

The Law Lords eventually delivered their judgment on 21 February 1979. They were in agreement that intention had been irrelevant at one time – certainly before 1792. But then Lord Chief Justice Coleridge had ruled in the *Freethinker* blasphemy case *R v. Ramsey & Foote*, 1883, that it was relevant. Was it relevant in 1976? Delivering their opinions in order of seniority, Lord Diplock said yes; Viscount Dilhorne said no; Lord Edmund-Davies said yes; Lord Russell of Killowen said no; and so the decision lay in the hands of the newest appointee, Lord Scarman. He made it clear from the outset that his approach to the appeal was determined by his desire to see the blasphemy law extended. While freely acknowledging that this was beyond the powers of the judiciary, he was clearly going to do his bit to strengthen that law. The appeal was lost.

In a final attempt to obtain redress, on 7 August 1979 the two convicts lodged a complaint with the European Commission of

Human Rights alleging a breach of four articles of the European Convention on Human Rights – Article 7 (no punishment without law), Article 9 (freedom of thought, conscience and religion), Article 10 (freedom of expression) and Article 14 (prohibition of discrimination). On 7 May 1982 the Commission announced their ruling. They allowed that there had been an interference with freedom of expression but, remarkably, justified this on the grounds that the publication of the poem had infringed Mary Whitehouse's human rights. Consequently, they declared the case inadmissible to be heard by the European Court of Human Rights.

**L**ESS THAN a year later *Gay News* was dead. The blasphemy case had lasted almost exactly half of its brief life. But, when *Gay News* Ltd ceased trading on 15 April 1983, its financial problems were of its own – or rather its proprietor's – making and nothing to do with Mary Whitehouse's action. The costs of defending the case were met from the *Gay News* Fighting Fund, a separate trust fund set up specifically

for the purpose in December 1976. The £26,435 raised largely during the first half of 1977 through benefits and donations from the gay community and other well-wishers, supplemented by interest of over £7,000, turned out to be enough to cover the costs associated with the trial and all the appeals and still leave several thousand pounds to spare.

Mary Whitehouse regarded the *Gay News* prosecution as one of her greatest successes – and so it was, in the sense that it gave a new lease of life to an archaic and moribund law. On the recommendation of the Law Commission, the statute law relating to blasphemy had already been repealed by the Criminal Law Act 1967 (enacted, incidentally, just six days before the Sexual Offences Act 1967, which began the long slow decriminalisation of sex between men). But the English common law of blasphemy remains stubbornly in force to this day despite the Law Commission's majority recommendation in 1985 to abolish it

without replacement and despite attempts over the years to abolish it by parliamentarians including Lord Willis (1978), Tony Benn (1989), Bob Cryer (1990) and Frank Dobson (2001). The Whitehouse legal actions were not always so successful: she incurred huge legal costs with the collapse of her prosecution of Michael Bogdanov, director of the National Theatre's production of *The Romans in Britain*, in March 1982, and again in 1985 on the failure of her action against the Independent Broadcasting Authority over the film *Scum*.

Apart from resurrecting the blasphemy law, Mary Whitehouse achieved the opposite of what she might have hoped for in almost every respect. If she hoped to suppress the poem, she failed. James Kirkup himself, describing it as 'not aesthetically a successful work' (*New Humanist*, November/December 1976), had no wish to preserve it. More recently Tony Reeves called his illustration 'among the worst I've ever done, if not the worst' (*Gay Times*, February 2001). Both poem and illustration would naturally have faded into oblivion. Instead the poem was widely reprinted at the time and, although it remains a crime in England or Wales to publish the poem or illustration, copies of the poem are now readily available on the World Wide Web.

If Mary Whitehouse hoped to damage *Gay News*, she failed. According to the paper's literary editor, Alison Hennegan, staff

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When Joan Bakewell dared to speak *that* poem on television last year, one man in particular was astounded. JOHN C BEYER is director of Mediawatch-UK, the organisation that used to be called the National Viewers' and Listeners' Association. He thinks the BBC was seriously out of order, and tells us why.

**T**wenty-six years ago *Gay News* published a poem by Professor James Kirkup entitled 'The Love That Dares To Speak Its Name'. Mary Whitehouse received a copy in her post and in her autobiography, *Quite Contrary*, she wrote of her lasting reaction: 'I felt, quite simply, deeply ashamed that Christ should be treated in this way ... I experienced out of love for Him a great longing to try to make some reparation.'

There had not been a prosecution for blasphemy for more than fifty years, although the law had been restated in 1975. The definition of blasphemy takes into account whether the publication, about God or Christ or the Christian religion is so scurrilous or abusive or offensive as would, if published, tend to vilify the Christian religion and could lead to a breach of the peace.

At the Old Bailey the jury returned a guilty verdict and thereby confirmed that the poem was indeed a blasphemous libel and contravened the Common Law. The judge said that the publication of the poem revealed 'astonishing and lamentable bad taste and error of judgment ... a reckless disregard for the feelings of Christians ... and for millions of non-Christians who sympathise with the doctrine of Christianity'.

In November and December last year the BBC transmitted a four-part series on BBC2 TV entitled *Taboo*. It was described by BBC Information as 'a serious and thought provoking series', which is Joan Bakewell's 'personal examination of censorship and is therefore based on her experiences throughout her life'. In the course of the fourth programme, the very privileged Ms Bakewell said: 'The other institution you criticised at your peril [was] the Christian Church. Blasphemy was an offence and still is. In the 1970s a poem, an explicit homosexual fantasy of the centurion taking Christ's body down from the cross, was bound to offend.' She nevertheless recited a most offensive part of the poem while the text and the accompanying drawing were shown on screen.

Having established in the highest court in the land that the poem was a blasphemous libel (it ultimately went to the Law Lords), it seemed incredible that the licence-fee-funded, public-service BBC would be party to the commission of a criminal offence. This, I thought, was a serious matter demanding action, and the next morning I wrote to the Director of Public Prosecutions, believing that prosecution of the BBC was in order. Almost four weeks later I was advised that my letter and video recording had been passed to the police service. Newspaper reports suggest that the matter is being actively investigated and a substantive response is, as I write this, still awaited.

The BBC's Producers' Guidelines, said to be the most comprehensive ethical code anywhere in the world, have enough to say on blasphemy that any reasonable person reading it would think that Kirkup's poem would be excluded from the airwaves. In section 6.9 on 'Religious Sensibilities' it tells programme makers: '... deep offence will be caused by profane references or disrespect, whether verbal or visual, at deities, scriptures, holy days and rituals which are at the heart of various religions – for example the Crucifixion ...' It is stated unequivocally that 'Blasphemy is a criminal offence in the UK and advice should be sought, through Heads of Department or Commissioning Executives, from Editorial Policy and lawyers in any instance where the possibility of blasphemy may arise.'

On this seemingly firm ground I wrote to the chairman of the BBC governors, Gavyn Davies, pointing out that Kirkup's poem had been declared a blasphemous libel and accordingly it was a criminal offence to publish it. I asked if the terms of the Producers' Guidelines

# Blasphemy – is it still a taboo?

had been fully complied with and reminded him that the BBC's royal charter requires the governors to secure that programmes do not offend good taste or decency or offend public feeling. Significantly, the BBC's statement of promises for 2000/2001 states: 'BBC programmes should always be sensitive to the different tastes and beliefs of viewers and listeners.' One wonders precisely how the transmission of part of a poem, described by an eminent law lord as 'quite appallingly shocking and outrageous', could possibly comply with these guidelines and promises.

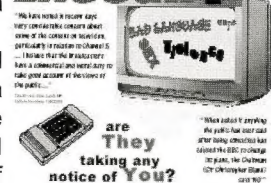
The answer came, after due process, from the BBC's head of the Programme Complaints Unit. In a lengthy reply he explained that Ms Bakewell had identified within the Church a 'tacit tolerance of blasphemy', but Kirkup's poem had pushed this tolerance 'too far'. 'The court action merited examination and it would have been difficult to do this adequately without providing an example of the poem's content which ... would have the potential to cause offence ... The documentary was shown late in the evening on a channel whose remit includes the examination of serious social issues such as this, and gave ample indication that sexual and other taboos were to be examined openly. The approach was responsible and appropriate to the subject-matter and the inclusion of part of the poem was justified.' Moreover, 'the change in public attitudes over time' has extended the 'degree of tolerance'.

All rather predictable, I thought, and completely missing the point!

**John Beyer is director of Mediawatch-UK, the successor to the NVALA, of which Mary Whitehouse was president until 1994. Whitehouse died in November 2001.**

## ENOUGH

### is ENOUGH!



are They taking any notice of You?

**mediawatch-uk**  
LET US WORK TOGETHER - JOIN US NOW!

From Page 3

estimated the value of free publicity resulting from the trial and its aftermath at £1.5 million. What was already 'the world's largest circulation newspaper for homosexuals' reached many new readers who had previously been unaware of its existence, and in later years its average sales exceeded 18,000. Whitehouse was not averse to a bit of free publicity herself: with adroit timing, just weeks before the trial was due to begin she published her book *Whatever happened to sex?*, in which she called the gay liberation movement the 'most insidious of all pressure groups' and accused what she called the 'humanist lobby' of working to 'burrow ... under the very fabric of our society'.

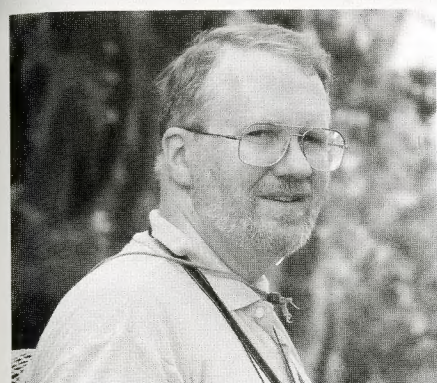
If Mary Whitehouse hoped to dampen the ardour of the gay community, she failed. Her action gave new focus to a movement that was drifting somewhat after the first flush of gay liberation in the early 1970s. A rally held in Trafalgar Square, London, on 11 February 1978 – the Saturday preceding the Appeal Court hearing – was the largest gay rights demonstration the country had ever seen. The blasphemy case gave rise directly to the short-lived Gay Activists Alliance and indirectly to the more durable Gay Humanist Group, which continues to thrive as the Gay and Lesbian Humanist Association.

But that's another story.

GAY NEWS

GAY NEWS





You can blame the man on the left! **RICTOR NORTON** explains how, when he was a staffer on *Gay News*, he may have been responsible for Denis Lemon's decision to publish the poem that dared to lead to the trial of him and his newspaper.

# Mea culpa!

**E**VEN THOUGH I never figured in the *Gay News* blasphemy trial, the blame for publishing James Kirkup's poem 'The Love That Dares To Speak Its Name' in the issue for 3–16 June 1976 probably rests squarely on my shoulders.

When I came to London in September 1973, one of the first things I did was to pick up a copy of the fledgling *Gay News* (which had begun in June 1972), and I was surprised to find that they had ripped off a copy of my article on Sir Francis Bacon (one of the 'great queens of history') that had been published in the American gay magazine *The Advocate*. I went to the *GN* offices and met with the editor, Denis Lemon, who was as surprised to see the author of the article as I had been surprised to see its unauthorised reprint. The upshot was that *GN* not only paid me a nominal sum for the article, but bought four other articles on gay history and literature that I had thoughtfully brought along with me. Thus began an important part of my career (basically, turning academic research to popular account).

When Denis Lemon came into my office towards the middle of May 1976, I had been working full-time at *Gay News*, as both typesetter and research editor, for two years. *GN* relied more on my typesetting skills than my literary skills, but I salved my ego by reminding myself that Walt Whitman had also been a typesetter. In any event, I was delighted at the many opportunities I had to write articles on gay history and literature, and I enjoyed polishing the work of other contributors. Denis did not have confidence in his own judgment on literary matters, and he valued my opinion because I had published a book on the history of gay literature, had a PhD and had edited the first all-gay issue of an academic journal, and was skilful at reshaping what others had written, while Denis was fearful of altering so much as a comma.

On this day, Denis had a contribution to show me, about which he seemed doubtful. He showed me a copy of Kirkup's poem. I read it and gave my report: the poem appeared to be sincere and serious rather than deliberately provocative; it had genuine poetic qualities; and it was written by an internationally recognised poet. I reassured Denis that, although the poem was in many ways shocking, it clearly was not pornographic because it was not obscene simply for the sake of obscenity. I recommended that it be published.

Denis was pleased with this recommendation. To tell the truth, several of us at *Gay News*, including Denis, were always happy to annoy gay Christians, or 'Jesus queens', as we called them. We felt that it was impossible for someone to be a good Christian and a good homosexual simultaneously. We felt that Christian apologists undermined the work of gay liberation, because the Christian church was the major single cause of gay oppression. In 1975–76 I had written for *Gay News* a series of articles on 'The History of Homophobia', which some people characterised as being anti-Christian (and anti-Semitic too, as far as religion goes).

Denis's decision to publish Kirkup's poem was made without consulting Richard Creed, the co-owner and director of *GN*, who was a practising solicitor. Creed represented the more conservative reformist position in *GN*, and would have advised against publishing the poem, which may be why Denis, representing the more radical position, decided not to seek Creed's predictable advice. Creed criticised Denis for not consulting him when he saw the poem in the paper, and other members of the staff also resented Denis's unilateral decision to publish the poem. But I don't think anyone at that time had the slightest idea that such a thing as 'blasphemous

libel' existed on the law books. I have always been grateful that, subsequently, Denis accepted full responsibility, as editor, for publishing Kirkup's poem, and never passed off any blame upon me for encouraging him to publish it.

When letters of complaint began to stream into the *GN* offices, we realised that we had given great offence to a significant number of our readers. We had stepped too far across the boundary of good taste. Had it ended there, within the gay community, perhaps with an apology for insensitivity and a promise to act more responsibly, all would have been well. But, when Mary Whitehouse began her private prosecution in October–November 1976, it was the beginning of the end of *Gay News*.

**F**or several years, from late 1976 through mid-1979, work on the newspaper was regularly disrupted: from appealing for donations to the Fighting Fund set up in December 1976, through preparation for the trial, which resulted in a guilty verdict in July 1977, to the appeal to the Court of Appeal (lost in March 1978), the appeal to the House of Lords (lost in February 1979), and eventually the appeal to the European Commission of Human Rights (lost around May 1982). The directors and main editors were constantly travelling and speaking at rallies and meetings. I was not much involved in this, though I did participate when *GN* was invited to address the Oxford Union. There was constant work on fundraising as well as the preparation of legal documents and getting together people to testify in our defence (in the event, none were allowed to testify, not even Denis himself). After the rush of excitement of the first trial – the novelty of being reported in all the media and being talked about by everyone – wore off, the aftermath of the trial dragged on, and on.

On many occasions during 1977, the daily decisions necessary for the actual fortnightly production of a newspaper were regularly postponed or insufficiently considered, because the decision makers were at a meeting, or busy preparing for a meeting, whether with legal consultants or gay organisations. My memory is of frequent comings and goings, copy for publication always arriving late, people working late into the night to meet deadlines.

The pressure of work increased, tensions increased, tempers flared. Denis was just as authoritarian as Mary Whitehouse, and not good at dealing with personnel matters. Many of us were seriously overworked and got little sleep. Perhaps Denis felt that our self-sacrifice was necessary at this time of crisis. Partly as a result of physical strain, my right lung collapsed and I was in hospital for a while (OK, smoking didn't help). Denis Lemon had also become a Celebrity, and was less accessible. The Art Director, Jean-Claude Thevenin, was Denis's lover, and their quarrels increasingly brought work in the production department to a standstill. The break-up occurred in 1979, not only of Denis and Jean-Claude (though they continued living together), but of the newspaper.

I had decided that Denis was a petty tyrant, and in autumn 1978 I resigned with effect from 1 January 1979. An incident deemed to involve a betrayal of trust occurred in December 1978, and Richard Creed, co-owner of *GN*, formally resigned as director with effect from 1 April 1979 and Denis bought out his shares to become sole owner. But having a single person as sole proprietor, editor and publisher, with no trusted adviser, was not a formula for success: effective administration of the paper became impossible. Michael Mason, a director and the paper's news editor, resigned in November 1979,



From Page 5

# 'The paper straggled on with a declining readership until it folded in 1984'

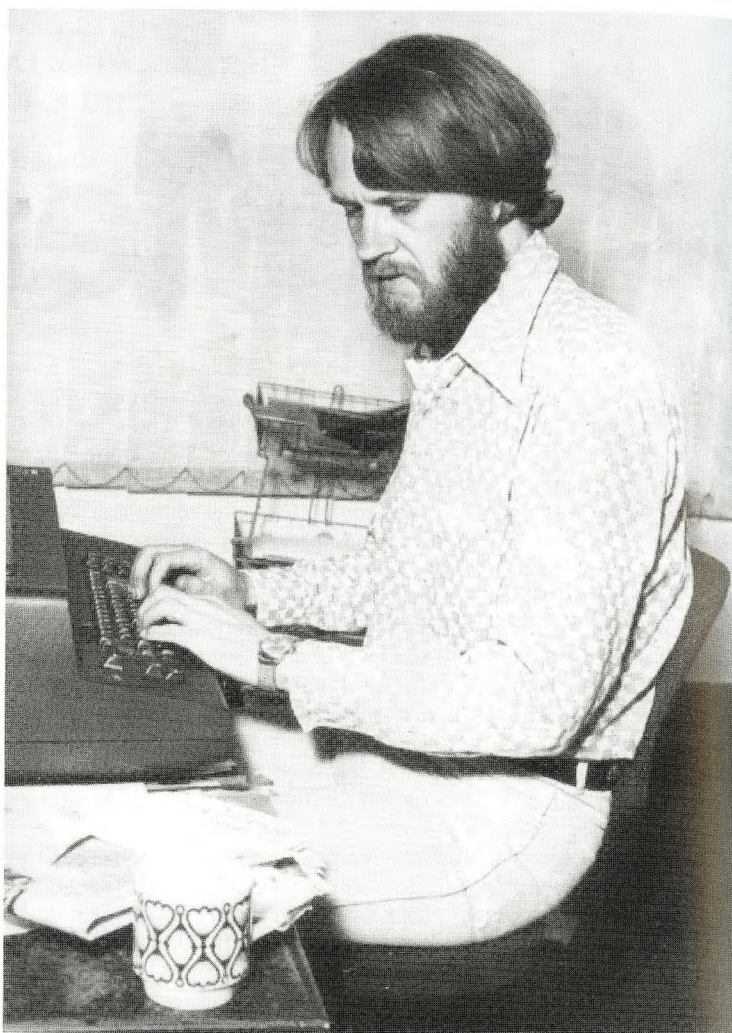
and Keith Howes, features editor, resigned in December that year. We realised that the lapel badge GAY NEWS FIGHTS ON (endearingly written beneath a picture of Mary Whitehouse) finally had to be unpinned, in more senses than one.

For several years during that period, *Gay News* was often the main subject of *Gay News*. In some issues, a good half of the news reports, features and letters were focused on *Gay News*, to the detriment, I think, of the wider gay world. Subjects that normally were irrelevant to the development of gay awareness and gay liberation often dominated the paper – notably the interminable discussions about the nature of blasphemy.

An unhealthy hypocrisy and anxiety pervaded the offices of *GN* after Mary Whitehouse began her prosecution. The religious issue was not our chosen cause. We did not want to become experts on blasphemy. We had to declare that we were not blasphemers when in fact we felt we had every right to be blasphemous if we so wished, and that blasphemy should not have been illegal. Did we want to undermine Church and State? Well, yes! – as least as they were presently structured to the detriment of gays. The public line had to be 'the poem is not obscene but has literary merit', though the personal feelings were 'sure it's obscene – but so what?' We did not relish defending a poem that we frankly realised was rather sick (however sincere). (Many years later, Professor Kirkup himself renounced the poem. Considering the trauma that *GN* had endured on his account, this was the real blasphemy!)

*Gay News* was losing its feisty independence. It had begun as the progressive teacher of the gay community, but steadily became merely a 'gay community newspaper', a follower rather than a leader. Alison Hennegan, who joined *GN* as literary editor and joint features editor in June 1977, remembers the uneasy feeling that everyone was engaged in self-censorship. In fact the censorship was overt. Each day, already-typeset copy was submitted to Richard Creed for his scrutiny and approval before being pasted down. Potentially libellous references to public figures were amended, and potentially obscene passages in articles were deleted. Always willing to irresponsibly push at the margins, I began a series of articles on 'A History of Homoeroticism' in 1977, but I had to stop because censorship made it impossible to continue.

*Gay News* had become more widely known to the general public, and our hypersensitivity to the threat of further legal prosecutions was understandable. We were always desperate to achieve distribution through channels such as W H Smith, for which our respectability had been severely tarnished. And we became fearful of further betraying the trust of the gay community. I think that Denis was reconceptualising the paper as a responsible servant of the community, in acknowledgment of the fact that innumerable gay people through the Fighting Fund really were supporting our existence, and we ought to be accountable to their sensibilities. Part of *GN*'s community service included the publication of longer listings of gay groups (even an international section now) and numerous



**Queer type: Rictor Norton in the 1970s. 'As the typesetter, I was very conscious that the paper was steadily increasing in size.'**

supplements of gay information. As the typesetter, I was very conscious that the paper was steadily increasing in size.

*GN* did not actually lose money by defending itself against Mary Whitehouse's prosecution, because the *GN* Fighting Fund, kept entirely separate from *GN*'s income, did in fact cover the legal expenses directly connected with the trial, leaving a small surplus, which was distributed to various gay causes when *GN* reached the end of the appeals road in spring 1982. The publicity of the trial in fact led to an increase in subscriptions, but the paper never quite managed to sell more than 18,000–19,000 copies per issue. The revenue of the paper really depended on display advertising rather than on copies sold. The increasing public awareness of *Gay News* did not lead to more advertising revenue, because only gay businesses (basically, pubs and clubs) advertised in *Gay News* and they already knew all about *Gay News* long before it received any mainstream publicity. The struggle to recruit nongay advertising (e.g. for cars or vodka) invariably failed. In addition, the recession was reducing the number of gay companies able to advertise.

Even at the best of times, the paper could not quite pass the threshold of commercial success. Increasing the number of pages to give better value for money resulted in increased production and labour costs (though the staff received very low wages, and unpaid volunteers were relied upon for many distribution jobs), which were not matched by increased advertising revenue. The newspaper throughout all of its life barely made a profit, and its demise was perhaps inevitable. However, the Whitehouse prosecution struck it a body blow from which it never recovered.

Though I continued to write reviews for *Gay News*, from 1979 I was no longer a staff member, and my knowledge of later events is limited. The years 1980–82 seem to have been a period of confusion and a struggle to survive. Administration was separated from editing, two new editors were successively appointed, and in January 1981



The *Gay News* blasphemy trial of 25 years ago has given rise over the years to the headline 'Born of Mary' when stories have been written about the founding of GALHA two years later, in 1979.

For that trial was the catalyst, the spark. Jim Herrick was a member of the original gang of six whose efforts led to the launch of what was to become GALHA, and here he looks back at those early days.

**B**EFORE GALHA (then the Gay Humanist Group) was founded 23 years ago, I remember an attempt by a group of gays to establish a group within the British Humanist Association. Many humanists said there was no need for a separate group, as homosexuality was fully accepted within the BHA.

The early meetings of this largely gay group were pathetic. There was the need to explain to straights elementary facts from scratch at each meeting, where there were new people airing their colossal ignorance. Then came the gentleman who had the answer to it all. He proffered his own experience as of use to us all: since he had had heart trouble his wife had regularly 'pleasured' him to give him relief.

We were amused by this euphemism for 'wanking', but were not so amused when he went on to suggest that if only gay men could find a good woman to 'pleasure' them then all would be solved. We didn't know whether to laugh or scream, but it was the end of that little group and the beginning by six of us gays who were keen humanists to make plans to start an independent group.

The rest is history – especially the boost given to the group by the

#### From Page 6

Robert Palmer was brought in to help reorganisation. Denis became ill in mid- or late 1981, and he sold *Gay News* Ltd to Robert Palmer Marketing Ltd in February 1982. There was a series of disputes and legal bills over this sale, as it became clear that expected revenue was not sufficient to pay Denis the agreed price. The size of the paper was reduced to save costs. The premises at Normand Gardens were sold off to pay the loans raised to pay Denis. Six or seven out of twenty employees were sacked. In October 1982 three more were told they would be made redundant, and six were told they would be put on half-time; there was a series of union disputes. The female staff of *GN* in November 1982, led by Alison Hennegan, formed the Visible Lesbian Collective within the paper to fight against its 'male hierarchy'. A couple of issues were published by 'the workers' acting independently of the owner. Some people called for Denis to relinquish his financial demands and for the paper to be 'returned to the people', harking back to *GN*'s cherished myth of origins. It is true that a 'collective' had initially planned *Gay News*, but by the time the first issue was published it was produced by a limited-liability company. It had always been privately rather than collectively owned. That could not be unravelled, except in the ordinary way of business. The paper straggled on with a declining readership until it folded in 1984. Many of us who lived through that era still lament its passing, for it was undoubtedly important for the development of the gay community at the more serious levels beyond 'the scene'. For its broad cultural coverage and depth of analysis, it has never been matched.

GAY NEWS

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Rictor Norton emigrated to London from Florida in 1973, began writing for *Gay News* that year, and worked full-time at the paper's offices from June 1974 through December 1978. He is the author of several books on gay literature and history. Among them is *Mother Clap's Molly House*, and, on 13 September at Conway Hall in London, he will be talking about the closing down of molly houses in the 1720s after a campaign by the Christian Brethren.

# Viva GALHA!

*Gay News* trial. I sat through the entire trial and frequently saw Mary Whitehouse, sometimes praying in the corridors of the Old Bailey – she was good at praying when she had time off from preying on the oppressed! What was alarming about her was not that she was a terrible old bat, but that she was formidable and personable like an editor of a woman's magazine.

Once under way, GHG, as it then was, had a regular presence at the CHE conferences (do you remember the Campaign for Homosexual Equality?). We set up our stall and offered fringe meetings. I remember putting together an entertainment based on readings from gay and humanist sources. (A mini-dramatisation of a scene from E M Forster's *Maurice* went down well.) Another memorable moment, though not a specifically GALHA one, was at the CHE Sheffield conference (1975), where one of the first civic receptions was given to a gay and lesbian group. A woman grabbed a microphone and pointed out that the women who handed out snacks were being paid less than the men serving. Quite right, too, to protest; but the mayor was not amused and walked out in a huff. Angus Wilson, a guest of honour, at the height of his powers as a novelist, was later insulted by the *Daily Express*. 'Twas ever thus.

There was doubt when GALHA started as to whether it was needed. But it has certainly shown its value. There is no doubt that the humanist movement is now more aware of gay issues and the gay movement is more aware of humanism. There have been enormous changes in these 25 years, mostly positive: equal age of consent, gays and lesbians in the military, gay adoption and partnership recognition in the offing, openly gay MPs who get re-elected. GALHA cannot claim responsibility for all this – but it is part of the changing climate of opinion, a climate that consists of the sum total of individuals and groups.

What lies in the future? Well, we must be ever vigilant to retain what we have gained. I have two suggestions for GALHA in the future. First, we must attempt to activate the 'L' in our title and persuade lesbians to be more active in GALHA. Perhaps a women's subgroup might help with this.

Second, while certainly continuing to bring in younger members, we must remember the greying of gays. (In the 23 years since GALHA was founded I have, perforce, moved in that direction.) I think GALHA might campaign on issues relating to older homosexuals: pension rights, the rights of gays in the health service, the recognition of gays in residential homes and so on.

Above all during this 23 years we've had a lot of fun – may that continue in the next 23 years.

Viva GALHA!

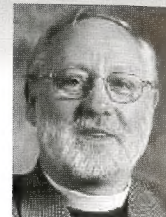
**Jim Herrick was editor of the *Freethinker*, founded in 1881, at the time of the *Gay News* verdict. Its August issue (Vol. 97, No. 8) carried an in-depth feature entitled 'Reflections on the blasphemy trial', by Bill McIlroy, himself a former editor of the *Freethinker* and a campaigner for an end to the blasphemy law (see p. 13).**

Jim  
Herrick:  
'We must  
be ever  
vigilant to  
retain  
what we  
have  
gained.'



GAY NEWS





What were the more liberal Christians thinking at the time of the *Gay News* trial? **NEIL RICHARDSON** is a long-standing member of the Lesbian and Gay Christian Movement (LGCM), and sat through each day of the trial. Here, in a special article for *G&LH*, he looks back, and, like many liberal observers, is not impressed by the performance of Judge Alan King-Hamilton.

# Judge Dread

**T**HE SUMMER of 1977 is etched in my memory for the three weeks I took off from work at my new appointment to a parish in Oldham to spend time as an adviser to the defence team at the trial of *Gay News* Ltd and Denis Lemon, the paper's editor, for blasphemous libel. These words are written after I had revisited my original contemporaneous notes.

As I got the feel of the Old Bailey, I sensed that this was going to be the nearest thing to a show trial that the system could muster. This strong feeling was caused by a number of factors. First, this was a private prosecution. The official sources had declined to bring a case, knowing the poor track record of literary trials. But then, we heard that Judge Alan King-Hamilton had especially asked to preside at this trial. This puzzled me. Why would a prominent Jewish judge want to preside at a blasphemy trial, knowing that the law protected only the tenets of the Church of England, and aware that the subject matter concerned a poem about Jesus Christ?

Judge King-Hamilton went on record in the *Observer* on the day before the trial opened as being of the opinion that homosexuality was the cause of the fall of the Roman Empire (*Observer*, 3 July 1977). The personality and views of Judge King-Hamilton were central to the trial and were not unbiased. The odd thing was that Mrs King-Hamilton spent a lot of time in court, sitting close by Mary Whitehouse, and frequently exchanged whispers with her.

Judge King-Hamilton made his own views clear from the outset. He actually apologised to the jury for having to ask them even to read the poem. He ingratiated himself with the jury, being very solicitous about their comfort, the room temperature, the availability of coffee, and frequently smiled at them. He was constantly slipping in his own views and prejudices and obvious detestation of the poem in question, thus associating his high office with the prosecution side of the trial.

The first four days of the trial were spent in legal argument and submissions. At the end of this phase, King-Hamilton ruled that

- a) the intentions of the poet or publisher were irrelevant;
- b) the prosecution did not have to prove that there had been an attack on the Christian religion;
- c) sympathetic treatment of the poem by literary experts or theologians would be inadmissible;
- d) blasphemy was defined as anything in scurrilous language that would upset an ordinary Christian sympathiser and so tended towards a breach of the peace;
- e) breach of the peace was defined as the arousal of angry feelings that, if circumstances permitted, would make a man 'worthy of the name of a man go out and thrash the offender, or punch him on the nose'.

Having spent four days wrangling about the meaning of the law in the absence of the jury, the judge then blithely informed the jury that their task was an easy one and the law quite a simple matter. The ground had been laid for a conviction.

When in discussion of the details of the poem, Judge King-Hamilton used strong leading tactics. He pointed out certain lines in the poem, and then described them as 'the ultimate profanity' ... adding, after some considerable pause, 'you may think' in a tone that

sounded more like a direction than a suggestion.

Judge King-Hamilton punctuated the trial with trivial comments. At one point, after a tense series of questions, he announced the latest England Test cricket scores. At another point, after some turgid prosecution questioning of Denis Lemon, he airily interjected with the phrase 'the answer's a lemon!' He looked around the court for signs of appreciation of his humour.

At one point, another judge, the Recorder of London, suddenly appeared in court, sat next to the judge and stared around at the court scene. This trial was attracting tourists, and not only in the public gallery. Judge King-Hamilton also intervened in the course of the defence presentations, often making rude, even scathing, remarks to Geoffrey Robertson, then an up-and-coming, brilliant young lawyer, although I have to say that he was obsequious to a fault towards John Mortimer QC. The jury were not blind to this performance from the judge. It was in his summing-up, in particular, that Judge King-Hamilton spoke to the jury in such a manner as to be giving the impression that he was almost advising them that all right-minded people would want to convict.

**D**uring the trial, the defence team had considered putting me in the witness box. I am grateful to this day that they did not ask me. I saw Bernard Levin and Margaret Drabble both subjected to vile performances by the prosecutor John Smyth. I think I would have collapsed under such pressure. Smyth used an old tactic. He simply equated homosexuality with paedophilia and asked the witness to defend child abuse. It was, of course, not the issue, but Judge King-Hamilton didn't intervene to stop this line of questioning, as he should have done. This smear, which has always dogged same-sex relationships, was going to stick yet again.

I was very impressed by Geoffrey Robertson's performance. He had a difficult enough job, but to do it under constant bullying from the judge was very uncomfortable and he showed great courage. At one point, John Mortimer reminded the jury that he was defending not a poem, nor a newspaper, nor an idea, but a person. In fact, Mortimer was hitting the nail on the head. This trial had all the marks of hatred in it, a hatred that was palpably directed towards Denis Lemon, who was clearly suffering in his isolation in the dock.

When the jury went out, most people expected a swift return. In fact, the jury deliberated for five hours and could reach only a majority verdict. Clearly, one or two members of the jury had the courage and the perception to see through Judge King-Hamilton's performance and look at the real situation. Sadly, the verdict was guilty and I was shocked to hear the custodial sentence for Denis Lemon, although relieved that Judge King-Hamilton had enough good sense and compassion to suspend it for nine months. I was pleased when the Appeal Court quashed the custodial sentence. After all, we do live in a civilised society, don't we?

Finally, that poem! I read it again recently. It is a sexual fantasy about Jesus. Not the first and not the last. It is powerful and moving, but painfully graphic and leaves nothing to the imagination. Twenty-five years on, I find it simply unacceptable as an expression of Christian love.

But I guess that James Kirkup never expected it to be read as such.

## LESBIAN + GAY CHRISTIANS



Twenty-five years ago **FRANCIS BENNION**, though a barrister and conscious of keeping within the law, decided to read the Kirkup poem in public. In this article, he tells us why



# Twenty-five years on . . .

**T**HE Gay News case in 1977 was a private prosecution brought by Mrs Mary Whitehouse. The paper had published a poem by James Kirkup entitled 'The Love that Dares to Speak Its Name'. The Law Commission description is: 'The poem recounted the homosexual fantasies of a Roman centurion as he removed the body of Christ from the cross, in which he described in explicit detail acts of sodomy and fellatio with the body of Christ immediately after His death and ascribed to him during his lifetime promiscuous homosexual practices with the Apostles and other men'.

The defendants were convicted by 10 to 2. On appeal to the House of Lords the conviction was upheld 3 to 2. The principal points of law established were: (1) it was irrelevant whether the defendants really intended to blaspheme; (2) it was irrelevant that there was no 'attack' on the Christian religion.

I was incensed at this state interference with debate on a vital matter. Although as a barrister I was required to observe the law, I decided to break it in this instance. At a 1977 protest meeting in Brighton I read out Kirkup's so-called blasphemous poem. This attracted widespread publicity, but the state took no steps against me.

In 1985 the Law Commission published a report recommending that the common-law crime of blasphemy be abolished and not replaced. The impact was marred by the fact that, of the five commissioners, two (including the chairman of the Commission, Mr Justice Ralph Gibson) dissented. The minority wished to replace the present law with a new offence modelled on a provision in the Indian penal code, which prohibits the deliberate outraging of the religious feelings of any person. There is no definition of 'religious', but this has caused no difficulty during the century or so for which the provision has been law in India.

In a lecture I delivered at the Ross McWhirter Foundation's Dicey Conference on Religion and the Rule of Law at St Edmund Hall Oxford on 13 March 1990 I tried to spell out what all this meant for humanists. I said that humanists are campaigning against the current use of the human-rights concept of freedom of religion to undermine the democratic ordering of society. Article 9 of the European Convention on Human Rights, which embodies freedom of religion, is now taken to mean that individual choices must be allowed to override the democratic ordering of society if they are prompted by the teaching of some 'religion' or other. It is also taken to mean that no religious precept must be challenged by the organs of society.

This denies the right of society to decide that the teachings of a particular religion or so-called religion are antisocial, and to combat them. For example in Britain the state finds itself compelled to finance the running of exclusively Roman Catholic schools, even though (as events in Northern Ireland demonstrate) such educational segregation is clearly against the public interest.

Some religious systems purport to regulate every aspect of life. Thus a Muslim parent said on the *Everyman* BBC1 television programme on 28 January 1990: 'Without Islam, life is meaningless.

Islam tells you everything: how to eat, how to sit, how to stand.' The freedom-of-religion principle gives a licence to any actual or purported religious system to override every aspect of the law and other arrangements laid down for the individual by the democratic state.

Humanists believe that an unlimited freedom-of-religion principle, though having an apparent validity, is in fact dangerous to the health of society. It licenses teaching of falsehoods to children, brainwashing of adolescent converts, bizarre exceptions to a just law (such as that requiring the wearing of crash helmets by motorcyclists) and other antisocial practices.

The freedom-of-religion principle is against the nature of religion itself. By demanding that all actual or so-called religions be accorded equal respect, it runs counter to claims of religious truth. The Christian religion, for example, insists that it is the only true faith: 'No one comes to God except by me' (John 14: 6). The Koran makes similar claims.

The danger continues. Prime Minister Tony Blair recently tried to introduce a law under which a religious motivation would increase penalties for civil unrest. I attacked this in a letter to *The Times* published on 19 November 2001:

The Blair Government's Anti-Terrorism, Crime and Security Bill, introduced on 12 November 2001, punishes religious hatred. This it describes as hatred against a group of persons 'defined by reference to religious belief or lack of religious belief'. The Bill does not define 'hatred' or 'religious belief', which are both notoriously inexact. It will be punishable 'religious hatred' to criticise a bunch of atheists. Is this really what we want our laws to do?

The penalty for this newly-invented thought crime will be imprisonment for up to seven years. That might be inflicted on a comic who jeers at so-called religions that chop off a thief's hand or stone to death a woman caught in adultery. Is this really what we want?

Or an earnest do-gooder might be imprisoned for criticising so-called religions that prevent a desperately ill child being given a blood transfusion. Again, is that what we want?

I myself am an agnostic, with no desire to defend atheists who presume to have greater knowledge of the Universe than is given to mankind. I claim the right to criticise them. Do I really deserve to be locked up?

The same goes for the multitude of people who endlessly debate faith, and argue for ever about our place in the cosmos. It is what humans have done from time immemorial, so far without challenge.

Will Mr Blair kindly get off our backs?

This letter, with similar objections, appeared to do the trick. Blair was frightened, and dropped his iniquitous proposal from the Bill. But that is not quite the end of the story. Somehow there was left behind, and crept onto our statute book, a provision – in what became Blair's Anti-terrorism, Crime and Security Act 2001 – that adds greater penalties to various offences (such as assaults and criminal damage) that are what it calls 'religiously aggravated'. This is defined as prejudicial to a group of persons defined by reference to religious belief or lack of religious belief.

So we are almost back where we started.

Mary Whitehouse

– brought the

prosecution that

boosted the sales

of *Gay News*





One was a committed atheist. The other was described by Mary Whitehouse as 'a Protestant sceptic'. Both wrote books that mention the trial. Here, **GEORGE BROADHEAD**, a frequent contributor to and former editor of *G&LH*, as well as being secretary of GALHA, blows off the dust and browses.



# Justice ancient and modern

**T**HERE are two books on my shelves with accounts of the *Gay News* blasphemy trial. One is *Blasphemy Ancient & Modern* by Nicolas Walter and the other is *The Justice Game* by Geoffrey Robertson QC.

The late Nicolas Walter was one of the leading lights of the UK humanist movement, having been a long-standing managing director of the Rationalist Press Association and a former editor of its journal, *New Humanist*. His book devotes a chapter to the *Gay News* case, pointing out at the beginning that it was the first to involve the element of homosexuality and also the first that didn't involve the element of an attack on Christianity.

Walter recounts how James Kirkup (the author of the poem that led to the trial) described himself as 'a born unbeliever who yet longed to believe' and gives a graphic account of his early experiences of religion:

When I was a little boy, I suffered the misfortune of having to attend a Primitive Methodist Chapel and Sunday School. This dreadful place, like all Christian churches ever since, filled me with gloom, boredom, despondency and sheer terror. I heard the grisly, gory details of the Crucifixion for the first time at Sunday School at the age of five. I was so overcome by revulsion and fright that I fainted with the shock at those gruesome, violent images ... I could never take part in Holy Communion, for the very thought of eating bits of Christ's dead flesh and drinking cups of his blood made me sick.

However, defending 'The Love That Dares To Speak Its Name', Kirkup says: 'I had always believed in Him [Jesus] as a real human being who had once lived on this earth with lusts, failings, ecstasies and sexual equipment as the rest of us.' Not a view, I would have thought, that is consistent with the puritanical, sexually repressed figure depicted in the Gospels.

Walter points out that one ironical aspect of the *Gay News* case was that human justice was apparently insufficient to ensure the correct result, for both the prosecution and the judge invoked divine intervention. Committed Christian Mary Whitehouse conducted prayers outside the court during the trial and afterwards claimed the presence of the 'Holy Spirit' inside it. The judge, Alan King-Hamilton, a prominent figure in the Reformed Jewish community, wrote in his autobiography: 'I was half-conscious of being guided by some superhuman inspiration.'

Assessing the results of the trial, Walter includes a strong reinforcement of the campaign for gay liberation, and 'a mutual recognition of the place of Humanism in the homosexual movement and of homosexuals in the Humanist movement'. Mary Whitehouse, he says, had frequently referred to a 'humanist homosexual lobby', although none existed, but her action led to one: in 1979 the Gay Humanist Group was formed, and, as the Gay and Lesbian Humanist Association, it became 'one of the liveliest sections of the Freethought movement'.

In his entertaining and often witty *The Justice Game*, Geoffrey Robertson QC recounts some of his high-profile and mould-breaking cases, including his defence of *Gay News*. Robertson refers to Mary Whitehouse as 'the prosecutrix' and, like Walter, mentions her praying at the Old Bailey for a successful outcome. He says she wanted to cast gays out – if not out of society, then certainly out of the Church. Her recently published book, *Whatever happened to sex?*, railed against 'the most insidious of all pressure groups – the Gay Liberation Movement'. She claimed that homosexuality was caused by abnormal sexual behaviour by parents 'during pregnancy or just

after' and asserted that 'psychiatric literature proves that 60 per cent of homosexuals who go for treatment get completely cured'. Yet Robertson surprisingly admits: 'Nonetheless, I liked Mrs Whitehouse, ever since I trod on her toes at the Young Conservatives Ball.' He describes her as 'a feisty and funny and foxy lady'.

Although there can be no doubt about Nicolas Walter's atheism, Geoffrey Robertson equivocated when questioned about it by Mary Whitehouse after the trial. He relates how Whitehouse phoned him to ask his religion for another book she was writing. 'I'm told you are an atheist. Is that true?' she asked. He replied that he sometimes 'questioned the justice of a God who doles out eternal life not to those who deserve it but to those who pray for it', so Whitehouse called him 'a Protestant sceptic'. However, he redeems himself in his final paragraph, in which he writes:

The law against blasphemy will remain in the law reports as a blue plaque to the free-thinkers who suffered for their free thoughts in previous times. I have read all their cases and marvel at the unchristian cruelty of the bishops who insisted on having them prosecuted, and of the judges who put them to hard labour in prison ... So it is as much for the ingloriousness of its legal history as for its lack of principle that I should wish the blasphemy law abolished.

GAY NEWS

*Blasphemy Ancient & Modern* was published by the Rationalist Press Association in 1990 and is available from GALHA by mail order at £4.34 including p & p. *The Justice Game* was published in paperback by Vintage in 1999. If you buy from Amazon, do it from GALHA's website and help to raise its funds.

## Two Loves

I fell a-weeping, and I cried, 'Sweet youth,  
Tell me why, sad and sighing, thou dost rove  
These pleasant realms? I pray thee speak me sooth  
What is thy name?' He said, 'My name is Love.'  
Then straight the first did turn himself to me  
And cried, 'He lieth, for his name is Shame,  
But I am Love, and I was wont to be  
Alone in this fair garden, till he came  
Unasked by night; I am true Love, I fill  
The hearts of boy and girl with mutual flame.'  
Then sighing said the other, 'Have thy will,  
I am the Love that dare not speak its name.'

THESE twelve lines are from Bosie Douglas's 'Two Loves', the poem whose last line has often been quoted to describe homosexuality – especially in the days when it was illegal. James Kirkup paraphrased the line as the title of the poem that led to the prosecution of *Gay News*.

The poem appeared in *The Chameleon* in December 1894 – the issue that contained Oscar Wilde's 'Phrases and Philosophies for the Use of the Young'.

During one of the trials, Edward Carson, who prosecuted Wilde, asked what was meant by the love that dare not speak its name, leading to one of the most famous speeches from the dock in British criminal history.

Watermark: Lord Alfred Douglas (Bosie)





Was campaigning back in the 1970s really different, more energetic, more fun, more committed? Or does it just feel that way? *G&LH*'s editor **ANDY ARMITAGE** looks back.

**T**HE DISCOS were about raising money for the cause, not fattening the cats; the magazines were chiefly about campaigning, not merely an overcommercialised meat market where youth is the one god; the crusading was effective and conducted mostly through democratically elected campaign groups, not unrepresentative lobby groups with 'Ltd' after their name, who are fond of partying and hobnobbing and then claiming the credit for freedoms gained.

It was the 1970s. Flares were in, and so were high heels for men. Tom Robinson was telling us to 'Sing if You're Glad to be Gay'. Demonstrations were held outside branches of W H Smith, who at that time refused to stock *Gay News*. The Campaign for Homosexual Equality held large annual conferences and regional councils and its proceedings were reported widely and eagerly in *Gay News*.

After that paper's prosecution for the ridiculous and illogical 'blasphemous libel', people thronged London in their thousands, producing the largest gay rights demo the UK had ever seen.

That was in February 1978. The trial had been the previous July. As you will see from our reproduction on page 1 of the newspaper's front cover of December 1976, where the word 'help' appears plaintively at the bottom, *Gay News* launched an appeal to aid it through what was going to be a rough time, and it raised thousands – more than was actually required to pay legal costs and fines.

In 1978 in Coventry – where I lived – the CHE conference could not get the civic reception that the homophobic local Labour council promised to all other visiting conferences above a given head count. Bigoted councillors simply refused – and gave CHE far more publicity than the organisation would have normally achieved by its annual conference.

I made it onto the front page of the local paper, the *Evening Telegraph*, in very small print at the end of a story about the conference's opening, because I had given my own speech of welcome in the absence of a civic reception – supported by five or six members of the local gay community. It was not surprising – and hardly a result of any oratorical skills on my part, I assure you – that we got a rousing ovation and much cheering for this small gesture.

It felt good. This was fellowship. This was a supportive gathering of people who genuinely wanted to do something to make the world better for many like themselves.

At that gathering at the De Vere Hotel the International Gay Association was formed (it later added 'Lesbian' to its name). At the same gathering, humanists set up a stall at a fringe meeting to explore the need for an organised group. (Jim Herrick tells of the formation of the group that became GALHA on p. 7.) And Coventry formed a CHE group – its second, the first having fallen by the wayside, as the second did after a while.

It's tempting to say: 'Ah, the good old days – when people campaigned and there was friendship and good fun!' Yet it *feels* like that. The very adversity under which we campaigned brought us together in a more cohesive way than any modern, unaccountable lobby group can achieve. People managed to campaign *and* have a good time in the bars and the discos.

And, at that February 1978 demonstration, five thousand people descended on London's streets to protest about the injustice meted out by a highly biased judge, who had, it would seem, blatantly led the jury to bring the verdict it did.

Groups from all over the UK and places abroad were brought together by the National Gay News Defence Committee: Lancaster Gay Lib group, Lesbian Line, Newcastle Gays, Preston CHE, the Northern Ireland Gay Rights Association, Oxford Poly Students Union, NALGAY, Gay Lib Bradford – the list goes on.

A steel band led chanting and marching; drivers could not get out of side streets; and a Dominican monk addressed the crowd. Was the *GN* trial all about something more than blasphemy? he asked. Was it something political?

'Is it about people scared of sexuality that want to suppress us? Is

# Were we really glad to be gay?

it about people scared of liberty that want to suppress us?' asked Father Giles Hibbert.

Bill McIlroy, secretary of the Committee Against Blasphemy Law, spoke of 'Mary Whitehouse and her evangelical boot boys'. He went on to talk of the organisations that would seek to oppress us: 'Should any of you believe that the Festival of Light, the Order of Christian Unity or the National Viewers' and Listeners' Association are groups of harmless cranks, let me remind you there is usually a strong affinity between those who want to ban books and those who burn down bookshops.'

He went on: 'Whatever the outcome of the *Gay News* appeal, the battle against blasphemy law must continue. For the common-law offence of blasphemy will still be there, a dangerous weapon in the hands of informers, censors and authoritarians.'

'So continue to exert pressure on Westminster, Whitehall and the Royal Courts of Justice. We must destroy the last vestige of blasphemy law to ensure that there will be no more *Gay News* trials.'

Ken Livingstone was then a Labour member of the Greater London Council. 'No one in any political party is going to give you anything,' he told the crowd. 'You have to fight for it.'

The Tom Robinson Band rounded off the proceedings with a rendering of 'Sing if You're Glad to be Gay' after Robinson himself had addressed the throng, saying that anyone who 'wants to turn the clock back twenty years is the enemy of all of us'.

Ah, yes, the seventies.

**T**WENTY-FIVE years on I know that, when efforts to end the blasphemy law go through Parliament, as is expected (it's been only a common-law offence since it was removed from the statute book in 1967), there will still be irrational voices seeking not merely to retain what there is, but to extend it and strengthen it.

We may have gays in the military; MPs may have voted for adoption by same-sex couples; we may now have an equal age of consent (though we still have Section 28 in England and Wales), but we still have people who hold what are to us irrational and weird beliefs trying their damndest to deny us our freedoms, equalities and dignity in the name of 'holy scriptures'.

There have been exceptions – notably groups such as the Lesbian and Gay Christian Movement, one of whose members has made a contribution to this issue of *G&LH* – but in the main those who seek to put the shackles on us are those of religious persuasion: those at the frothier end of Christianity (and some who are not so frothy), Muslims with their total surrender to Allah and dark philosophy of hate, Jews, Sikhs, Hindus ...

And there are those who clamour for laws to protect the religious from being insulted (they claim such a measure would merely protect them against 'religious hatred', but I await with interest the first prosecution when someone feels that a well-argued article in the *Freethinker* or *G&LH* has offended their sensibilities).

Yes, we've moved on since the seventies, but religion still enjoys holy, and official, matrimony with HM Government, and any gains we have made have been largely *in spite of* religionists, rarely with their help.



At one time, the Campaign for Homosexual Equality was *the* campaigning organisation within the lesbian and gay movement. You

hear less of it now, but it's still going, and one of its very early members is Griff Vaughan Williams, who has organised many

of its conferences and still campaigns actively. This is his take on the events of 1977 and after.

**T**HE PROSECUTION of *Gay News* and its editor, the late Denis Lemon, provided an opportunity for heterosexuals to think for once about the case being advanced by homosexuals around their legal position and the discrimination they faced. Perhaps, for the wrong reason heterosexuals started to donate funds to the *Gay News* Fighting Fund – not in support of homosexuals and law reform, but because they wanted to get even with the late Mary Whitehouse for her private prosecution after *Gay News* had carried James Kirkup's poem.

What part did the Campaign for Homosexual Equality (CHE) play in kindling campaigns to support *Gay News* and funds to fight the prosecution, as well as help fund the subsequent appeal? I tried to remember and tap the memory of other CHE stalwarts, as well as look up material from those days.

CHE's monthly house publication, *Broadsheet*, kept members aware of the need for them to do something and organise fundraising events. The January 1978 issue carried a letter from the late Mike Jarrett, convener of Cardiff CHE, in which he reported that his group had raised 'more than £700' for the *Gay News* Fighting Fund.

Elsewhere, the London Monday Group Newsletter for May–August 1977 publicised a cheese-and-wine party, which was to be held on Sunday, 5 June 1977, at the West London home of Robert Palmer, who was to become chairman of CHE for a while.

All this fundraising for *Gay News* affected other projects, organisations and campaigns. CHE's life president, Allan Horsfall, recalls more than two decades later that there was a serious drain on the money available for others as every penny was being directed towards the *Gay News* fund.

Publicity was given to what members and the then hundred or so local CHE groups had been doing, in addition to news of what other parallel organisations were planning, such as the National Gay News Defence Committee.

A name well known to readers of this magazine, Terry Sanderson, as a member of CHE's executive committee, wrote in the December 1977 issue of *Broadsheet* about the need to be ready for the march that would be held in London on the Saturday before the *Gay News* appeal: 'And everyone in CHE, everyone involved in gay rights, men and women, straight or gay, will be expected to turn out. This has got to be the *big one* ... A mediocre show of strength would be more damaging than no show at all – let's make sure it's an impressive turnout and gets big publicity.'

The march was held on 11 February 1978, when five thousand took part. *Broadsheet* of April 1978 said it was the biggest ever gay march and moved triumphantly through London. 'It was also the first time that non-gay people in any number had identified themselves with the gay cause.'

CHE's chair David Jenkerson stated in his contribution to the 1978 CHE annual report that many CHE groups and individuals had been present at that march; and much of the financial support for the *Gay News* fund had been from many ventures carried out by CHE groups.

At the same time there was the battle to get *Gay News* stocked at branches of W H Smith. For three years the newsagent had refused to stock the fortnightly publication because of some of the material it carried.

A certain journalist who was based in Coventry and at that time went under the byline of Andrew Armitage (readers can see elsewhere in this publication his current role in its production) will recall how, when the 1978 CHE conference took place in that West Midlands city, a fifty-strong demonstration visited the local branch of W H Smith and forced the shop to close its doors with police officers standing guard. [Ah, yes, I remember it well! – Ed.]

The protests over Smith's refusal to stock the paper were taken right into the heart of the company. Gay activists bought shares in the company in order to attend its annual general meeting for shareholders and politely, through questions, to challenge the company's stance towards *Gay News*. In addition, libraries – such as at Croydon, South London – refused to stock *Gay News* because of

## Taking on sacred cows

the Mary Whitehouse prosecution.

Not everybody at the time of the prosecution was happy with the way the publication was covering gay issues. In CHE's *Broadsheet* of August 1978, Richard McCance, a former member of CHE's executive committee, stated in the 'Comment' feature:

From shaky beginnings as a voice of gay people, it became professionalised in approach and, in the process, took on the might of the newspaper industry, managing to carve out a niche for itself, despite many setbacks, not of its own making.

Many counted its likely survival in terms of weeks, but five years on it is still with us and going strong. This is in no small measure due to the thousands of people up and down the land who have responded to the various appeals of *Gay News* over the years, and have dug deep into their pockets, particularly the *Gay News* Appeal Fund, where readers' contributions raised £24,000.

Far from being 'our' paper as we have been constantly reminded it is, *Gay News* has sadly, for many, lost much of its relevance and in doing so abrogated its responsibility to the gay movement which it purports to represent.

Does it have to be so sexually exploitative in most of its advertising and in most of its features?

Looking through the pages of record, ballet, book and cookery reviews it is difficult to see *Gay News* as a campaigning voice any more.

Many women and men, against our better judgement, gritted their teeth and turned out in support of the *Gay News* demonstration in February because we recognised that we were all under fire. If *Gay News* came under attack again presumably we would turn out yet again, but it is becoming increasingly hard to do so, when that paper ignores vital issues, and a large proportion of its readership's needs.

Richard McCance's final observation can be repeated today as gay activists in 2002 examine how the gay media fail to serve the community a quarter of a century later.

Just as CHE played a part at the time of the *Gay News* trial and appeal, the organisation is currently concerned about the threat of prosecution that the broadcaster Joan Bakewell faced after reading part of *that* poem on television last year. Protection of Christianity was at issue in the *Gay News* case. Even today, another similar 'sacred cow' has been highlighted by the *Guardian* newspaper's advocating a Republican Britain.

Today, a different W H Smith, where *Gay Times* can be found on sale – and not always only on the top shelf.



GAY NEWS



# The Ballad of the Blasphemy Trial

This poem first appeared in the *Freethinker* in August 1977, and is reproduced here with the author's permission. 'We have reached a truly ludicrous state where atheists have to try to stop one religious faction from pounding another,' Maureen Duffy told the National Secular Society annual dinner in 1978, at which Denis

Lemon was the guest of honour, 'while at the same time we are accused of destroying that strange substance, the nation's moral fibre. This substance, the nation's moral fibre, I have always seen as a kind of potting compost in which the luscious weeds of persecution, repression and sanctimoniousness can be nurtured.'

Oh there is a place on Parnassus  
where all the world's myths stand  
rank on rank awaiting  
the sign from a poet's hand.

Some are long dust and forgotten  
their papyrus mummy shroud  
crumbled. They wait for a scholar  
to call them out of the crowd.

But some have names of thunder  
that echo the centuries through  
Isis, Venus, Moloch  
Thor and his hammer too.

Yet at the call of a poet  
each must rise and come  
and only one law is god here  
they must be true to their name.

So up in the morning early  
Lord Jesus came to the hill  
and there again he laid him down  
to do the poet's will.

For love is Jesus' forename  
where he sits on Parnassus hill  
and he came to do his best there  
as any great myth will.

And when his task was over  
he went back to take his place  
and all the myths moved over  
and smiled into his face.

Lord Jesus he was troubled  
as he gazed at the world below.  
He nudged Socrates beside him and asked  
was it true or no.

He saw a court and dock there  
he knew them well of old  
he saw what was put on trial  
and the vision made him cold.

'Oh I have stood in a courtroom  
and now what's this I see?  
They are trying a man at the bar  
and all in the name of me.

Oh I have hung between two thieves  
so all my stories say  
and shall the law that broke my limbs  
be invoked for me today?'

Then Jesus stood on Parnassus side  
and tore his long dark hair  
but Socrates restrained him  
and spelled it out with care.

'Although we must always follow  
and be true to our stories' truth  
no such constraints can bind them.'  
Lord Jesus gnashed his teeth.

'They have made me into a mockery  
with their blasphemy of trial.  
They have taken love, my given name  
and broken it on a wheel.

I shall curse them in their blindness  
I curse them in their pride.  
They align themselves with Judas  
and Pilate takes their side.'

Then Socrates gave him hemlock  
as they sat on Parnassus hill  
to soothe his deep affliction.  
'Oh do not take it ill.

We both died condemned felons  
though you by another's hand  
and we must forgive our children  
who do not understand.

Some in the name of reason  
do things I shudder for  
others for love invoke you  
and stand you at their bar.'

But Jesus answered him fiercely  
'Reason is not my name.  
You must do as you have answer  
I will not play their game.

I will go down to the courtyard  
and hang me on a cross  
while the judge pronounces sentence  
and they will see their loss.'

Socrates looked down sadly  
and reached below with his hand  
to pluck the dear Lord Jesus  
out of his own grandstand.

'Come up, come up, dear Jesus  
they must not see you there  
they will only think you demonstrate  
and drag you off by your hair.

Remember your name is love, lord  
come up along with me.  
In time myths of love and reason  
may cause the blind to see.'

Copyright Maureen  
Duffy, 1977



Fire and Brimstone  
Productions proudly present

to commemorate the 25th anniversary of the  
Gay News trial ...

## Blasphemy

a play by Derek Lennard

Friday, 12th July 2002, 7.30 p.m.  
The Library, Conway Hall, London

Featuring the trial of **C B Reynolds** on the  
charge of blasphemy in New Jersey in 1887  
(with **Robert Ingersoll** for the defence); the  
prosecution of **G W Foote** in 1883 for  
blasphemous cartoons in the *Freethinker*; and  
the trial of the **Lord God** (blessed be He) for  
abuse of human rights

## Crusader against blasphemy and censorship

ONE of early fighters for an end to the  
blasphemy law was Bill McLroy (below), a  
former editor of the *Freethinker* and a  
founder member of the Committee Against  
Blasphemy Law, of which he became  
secretary. We owe him a debt of  
gratitude for providing materials  
that have helped us to produce this  
special issue.

Back then in 1977, McLroy  
himself came to the attention of the  
law, when he mailed copies of the  
poem 'The Love That Dares To  
Speak Its Name' to a number of

people known to favour more censorship.

One copy went to Kenneth Kavanagh, the  
probation officer who had already passed a  
copy to Mary Whitehouse (see 'The  
newspaper's tale' on pp. 2-3), this sparking  
the prosecution.

McLroy also addressed a fringe  
meeting held at the Campaign for  
Homosexual Equality conference in  
Brighton in 1979, when he was  
editor of the *Freethinker*, and it was  
at this fringe meeting that the Gay  
Humanist Group was formed, and  
ultimately became GALHA.

